



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,230	05/01/2001	Joanne Downey	DOWNEY 3.0-001	3852

7590 12/24/2002  
EZRA SUTTON, P.A.  
Plaza 9, 900 Route 9  
Woodbridge, NJ 07095

EXAMINER

WEINHOLD, INGRID M

ART UNIT	PAPER NUMBER
----------	--------------

3632

DATE MAILED: 12/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/845,230

Applicant(s)

DOWNEY ET AL.

Examiner

Ingrid M Weinhold

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3 and 5-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 03 September 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED FINAL ACTION**

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds 150 words.

Correction is required. See MPEP § 608.01(b).

Appropriate correction is required.

### ***Drawings***

The drawings are objected to because the shape of the channels in the holding wall members do not match up to the shape of the receiving channels in the blind bracket mounting devices. The vertical leg parallel to the front wall of the holding wall member would not be able to fit into the receiving channel since the receiving channel only has a vertical portion that will fit the front wall and a horizontal portion that will fit the horizontal portion of the holding wall member channel. A proposed drawing

correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application, along with the changes made in the last amendment. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-10, 19-30, 43, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nien et al. in view of Bellinger (4,305,562). Nien et al. shows a first housing bracket (30) with a first holding wall member (front surface) having an upper channel (31), a lower channel ("31" also on bottom edge), a first side perimeter edge and a second side perimeter edge. The first holding wall member includes an integrally connected first curtain rod prong member ("32" and "321" combined") thereon. The upper and lower channels of the first holding wall member is for engaging upper and lower receiving channels (21) of a conventional blind bracket mounting device, which has a locking lip for preventing the holding wall members from falling out. There is a second housing bracket with the exact same features as the first bracket that is mounted on the other side of the blind assembly. Nien et al. shows all of the claimed features of the applicant's invention, including a first and a second bracket housing with

curtain rod holding wall members, but does not show the specific claimed features of the curtain rod holding wall members, or the material, weight support or dimensions of the bracket. Bellinger et al. shows a first holding prong member (51) integrally attached to the first side perimeter edge, which includes a first sidewall having an upper first prong tab member. A second holding prong member (50) is integrally attached to the second side perimeter edge and includes a second sidewall having an upper second prong tab member. Each holding wall member includes two or more holding prong members. The prong members are centrally located on the side perimeter edges and are parallel with each other. The same curtain rod holding wall member would be used on the other side of the blind assembly by Nien, defining the third and fourth holding prong members and prong tab members. The combination of Nien and Bellinger allow for the upper second and fourth prong tab members on second and fourth holding prong members to be used to receive an inner first flat curtain rod thereon and the upper first and third prong members of the first and third holding prong members to be used to receive an outer second flat curtain rod. Therefore it would have been obvious to one of ordinary skill in the art to replace the curtain rod holding elements ("32" and "321" combined) integrally attached to the holding wall member by Nien et al. on each of the two bracket housings with another well-known curtain rod holding element taught by Bellinger in order to be able to attach a decorative device such as a curtain on a flat curtain rod onto the bracket housing securely and be able to accommodate for multiple curtain rods. Regarding the limitations of the material to be used for making the brackets, the amount of weight it can support, and the dimensions of the holding wall

members and prong members. These limitations are the design choice of the applicant. The applicant did not disclose any critical reasoning as to why these limitations are requirements and as blind assemblies are well-known and usually made from plastics or light-weight metals, these limitations are based on the type of curtain rods and curtains to be mounted, and the dimensions of the window that the blind assembly is mounted to. Regarding claim 43, and the limitation of the upper and lower channels being U-shaped, this is also the design choice of the applicant. The applicant made it very clear in the specification on page 12, lines 1-4 that many different shapes could be used to achieve the same utility including, U-shaped, L-shaped or just vertical having upper and lower edges.

Claims 11-18, 31-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nien et al. in view of Chang (6,216,889 B1). Nien et al. shows all of the claimed features of the applicant's invention but does not show the specific claimed features of the curtain rod holding wall member, or the material, weight support or dimensions of the bracket. Chang shows a first holding wall member including a first holding arm member (20) having a set of one or more of semi-circular rod holding sections (24) for holding in place one end of a cylindrical curtain rod. The first holding arm member is centrally located on the first holding wall member (21). The second holding arm member is exactly the same as the first, is in parallel with the first, and is used in conjunction with the first to keep one or more curtain rods parallel to each other. The holding arm members are at a 90 degrees angle with respect to the first and second

Art Unit: 3632

holding wall members. Chang also shows the holding arm members including two or more rod holding sections for holding two or more cylindrical curtain rods thereon.

Therefore it would have been obvious to one of ordinary skill in the art to replace the curtain rod holding elements ("32" and "321" combined) integrally attached to the holding wall member by Nien et al. on each of the two bracket housings with another well-known curtain rod holding element taught by Chang in order to be able to attach a decorative device such as a curtain on a cylindrical curtain rod onto the bracket housing securely and be able to accommodate for multiple curtain rods. Regarding the limitations of the material to be used for making the brackets, the amount of weight it can support, and the dimensions of the holding wall members, prong members, and rod holding sections. These limitations are the design choice of the applicant. The applicant did not disclose any critical reasoning as to why these limitations are requirements and as blind assemblies are well-known and usually made from plastics or light-weight metals, these limitations are based on the type of curtain rods and curtains to be mounted, and the dimensions of the window that the blind assembly is mounted to.

### ***Response to Arguments***

Applicant's arguments filed 9/3/02 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413,

Art Unit: 3632

208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Weinhold whose telephone number is (703)-306-5762.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-3519 for informal documents and (703) 305-3597 for formal regular communication and After Final Communications.

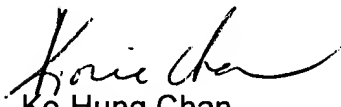
Application/Control Number: 09/845,230  
Art Unit: 3632

Page 8

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Ingrid Weinhold  
Patent Examiner  
Technology Center 3600  
Art Unit 3632



Ko-Hung Chan  
Patent Examiner  
Technology Center 3600  
Art Unit 3632